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## FREDERICK COUNTY PLANNING COMMISSION

### May 9, 2018

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**TITLE:** Westview South MXD – Lots 201-204

**FILE NUMBER:** SP-98-36  
Preliminary Plan: AP 18266, APFO 18267, FRO 18268  
Site Plan-Lot 201: AP 18144, APFO 18145, FRO 18146  
Site Plan-Lot 202: AP 18269, APFO 18270, FRO 18271  
Site Plan-Lot 203: AP 18272, APFO 18273, FRO 18274  
Site Plan-Lot 204: No Site Plan Application

**REQUEST:** Preliminary Subdivision Plan/Site Plan (Multiple Lots)  
The Applicant is requesting Preliminary Plan approval to resubdivide two existing lots into four (4) lots, and Site Development Plan approval to construct office/warehouse buildings on Lots 201-203, on a 43.54-acre portion of the approved Westview South MXD project.

### PROJECT INFORMATION:

ADDRESS or LOCATION: South side of Executive Way, between New Design Road and MD85  
TAX MAP/PARCEL: Tax Map 86, Parcel 269  
COMP. PLAN: Office/Research Industrial (ORI)  
ZONING: Mixed Use Development (MXD)  
PLANNING REGION: Frederick  
WATER/SEWER: W-3, S-3

### APPLICANT/REPRESENTATIVES:

APPLICANT: WVS Parcel 200, LLC, c/o Matan Properties, LLC  
OWNER: WVS Parcel 204, LLC/Matan Properties, LLC  
ENGINEER: Harris Smariga Associates, Inc.

**STAFF:** Denis Superczynski, Principal Planner II

**RECOMMENDATION:** Conditional Approval

### ATTACHMENTS:

EXHIBIT 1 - Plan Rendering (Proposed Westview South – Lots 201-204)  
EXHIBIT 2 – Modification Requests: Lighting at Property Boundaries

## STAFF REPORT

### ISSUE

#### Development Request

This application proposes the development of four (4) non-residential lots in the Westview South MXD for office and warehouse uses. The Applicant is requesting Preliminary Plan approval to resubdivide two existing lots into four (4) lots, and Site Development Plan approval to construct office/warehouse buildings on three of those lots (Lots 201-203), on a 43.54-acre portion of the approved MXD project. Lot 204 would be subdivided as part of this application but would not receive site development plan approval at this time.

The proposed development includes the development of 456,900 sq. ft. of interior space in three buildings as follows:

- Lot 201: 116,800 sf office/warehouse (AP#18144)
- Lot 202: 116,800 sf office/warehouse (AP#18269)
- Lot 203: 116,800 sf office/warehouse (AP#18272)
- Lot 204: *No structure in this application*
- In addition to the building area noted above, the Applicant is requesting approval for mezzanine space in each building, up to 10% of the total building area in each structure. Such mezzanine space shall be utilized for storage and mechanical equipment only.

The Project is subject to the requirements of the Phase I rezoning, the Frederick County Code, specifically Chapter 1-16 (Subdivision Rules and Regulations) for the Preliminary Subdivision Plan review, Section 1-19-10.500 Planned Development Districts – MXD provisions, and Sections 1-19-3.300 through 1-19-3.300.4 for the Site Development Plan review. The site was designated for employment uses on the Phase I land use plan, but an unutilized percentage of the permitted commercial use designation is being applied to this property in accordance with the DRRA, which is further explained below. Uses proposed in this Application will contain a mix of Employment and Commercial uses commensurate with the Phase 1 rezoning for the Westview South MXD. *Employment uses* - those uses generally permitted in the ORI district such as offices, laboratory research, and limited manufacturing/assembly – are not capped in the MXD. *Commercial uses* – those uses generally permitted in the GC district such as broadcasting studios, building contractors, and warehousing – are limited in an MXD to not more than 25% of the total land area, exclusive of floodplain.

The MXD project is subject to a Development Rights and Responsibilities Agreement dated June 13, 2013. The allows the Applicant to revise the mix and location of Employment and Commercial uses in this plan within the maximum thresholds established in the Zoning Ordinance without the need to revise the Phase 1 (rezoning) plan. Up to 17.86 acres of Commercial use land remain available for placement in the Westview South MXD, thus resulting in a building area cap of 311,193 sf. If approved by the Planning Commission, buildings constructed as part of any of the four available lots, would be subject to a cross-referenced and updated 'Use Score Card' that would track the available Commercial building area remaining in the project as applications for building permits are submitted.

The Site Plan portion of the Project is being reviewed as "Office Business" under the use heading of *Commercial Business and Personal Services*, and "Warehouse" under the heading of *Wholesaling and Processing* per §1-19-5.310 Use Table in the Zoning Ordinance.

Frederick County does not recognize a process for a Combined Preliminary/Site Plan for non-residential applications. Therefore, this Application presents four separate review processes in a single submittal packet to allow staff, the various agencies, and the Planning Commission the ability to review and comment upon a project site that will ultimately function as a coordinated unit of the MXD.

## **BACKGROUND**

### **Development History**

This project constitutes a portion of the overall Westview South MXD. The Westview South project was the subject of several previous rezonings. The Site was zoned Agricultural (A) from 1959 to 1986, at which time it was rezoned to Office/Research/Industrial (ORI). The Site is currently zoned MXD, which was applied in 1994. In 2001, a portion of the overall MXD was amended for the removal of a residential land use component from the approved land use mixture.

Construction on the Westview South MXD began after the 2001 rezoning, and since that time several portions of the project have been completed. The completed portions include a commercial area to the east along MD 85, portions of an employment area to the west along New Design Road, as well as major road connections. In 2013, another rezoning was approved that resulted in the reintroduction of a residential land use component, not to exceed 615 dwellings. A condition of the 2013 rezoning required public dedication of a 22.49 +/- acre public use site for park purposes prior to recordation of the Project's first residential lot. This public use site is planned to provide a portion of the Ballenger Creek Trail.

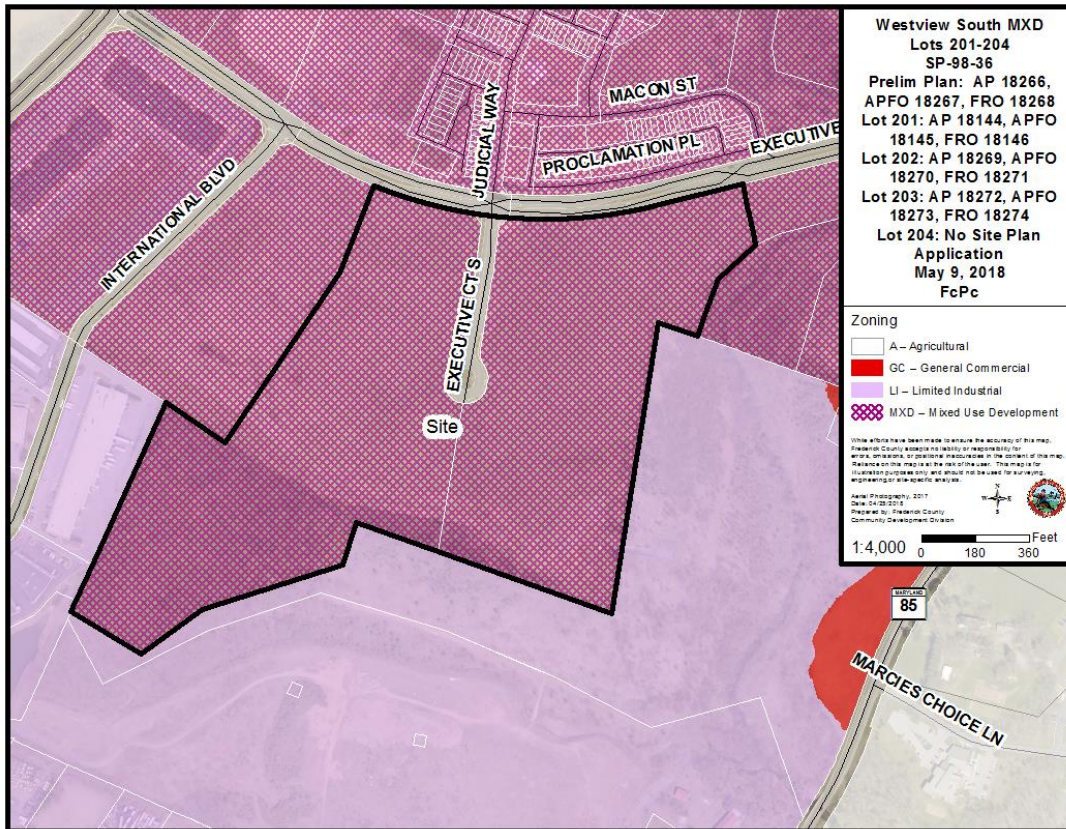
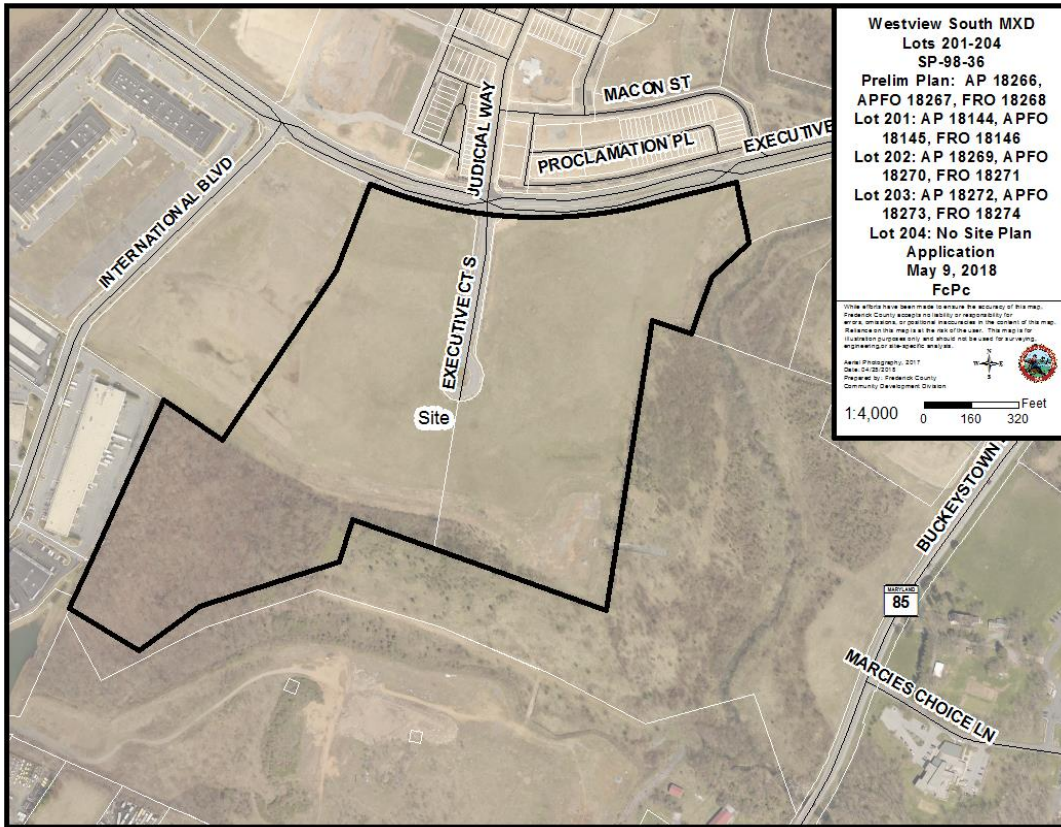
This property currently consists of two recorded lots. The area comprising proposed Lot 204 is an area of land added from an adjoining property that was zoned LI and incorporated into the MXD during the 2013 Phase I amendment process.

### **Existing Site Characteristics**

The project site is surrounded by MXD zoning to the north, east, and west. The properties to the south are located outside of the MXD and are zoned for Limited Industrial uses. Residential uses, approved as part of the Westview South MXD (and most recently revised in 2017) are located on the north side of this Site, directly across Executive Way.

Portions of the subject Site (Lots 201 & 202) have extensive frontage along Executive Way while Lots 203 and 204 possess frontage along this roadway via 50 ft. wide panhandles extending northward between Lot 201 and 202. The existing Executive Court South will be redesigned and configured to provide practical vehicular access for automobiles, vans, and small trucks, while larger trucks and tractor-trailers will utilize entrance/exit drives on the far western and eastern edges of the Site. Lot 204 will gain vehicular access via a circumferential road network including primary access via a driveway stub along the western edge of the Site.

The existing site is mostly cleared of vegetation and is relatively flat varying 20 feet or less across much of its depth. The lowest point on the Site – the far southeastern corner of proposed Lot 203 - sits at a point approximately 50 below that of the Executive Way frontage. Proposed Lot 204 is currently forested.



## **ANALYSIS**

### **Summary of Development Standards Findings and Conclusions**

The proposed development of Lots 201-204 utilizes previously approved Phase 1 land uses as determined in the rezoning of the property to Mixed Use Development (MXD). While the project site was originally approved in the rezoning plan for Employment uses, the Applicant is utilizing a 17.86 acre surplus of land designated for Commercial uses in the MXD by applying previously unutilized Commercial capacity to the Subject Site under provisions set forth in the project DRRA. The proposed mix of office and warehouse uses will provide for employment opportunities within the MXD while minimizing both functional and aesthetic conflicts in the neighborhood through appropriate site and architectural design, sound traffic engineering, and the provision of enhanced landscaping, particularly along the property frontage.

While four lots are being subdivided in this collected application package, it should be noted that Site Development Plan approval, including APFO review, is required for any future development of Lot 204.

The Adequate Public Facilities Ordinance Letter of Understanding (APFO LOU) outlining required public facility improvements was executed in September of 2005 with an amendment in June of 2013 in conjunction with the Westview South MXD rezoning (Case # R-00-02A). A second amendment was executed in May/June of 2014, which was required due to changes in the Project's residential use mix and the resulting increase in pupil yield. The current application does not exceed the thresholds established by the previous LOU, and therefore does not require an amended LOU.

### **Detailed Analysis of Findings and Conclusions**

#### **ANALYSIS OF PRELIMINARY SUBDIVISION AND SITE DEVELOPMENT PLAN REVIEW**

Preliminary Subdivision Plan approval is determined based upon the requirements found in Chapter 1-16 of the Frederick County Code. Site Development Plan approval shall be granted if the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County Zoning Ordinance are met.

#### **SITE DEVELOPMENT**

- **Land Requirements §1-16-217(A) & (B)**

*The land use pattern of the comprehensive development plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision.*

A majority of the Site is designated Office/Research Industrial on the County Comprehensive Plan with only the proposed Lot 204 designated otherwise, as Limited Industrial. The entirety of the Site is zoned Mixed Use Development (MXD). The Mixed Use Development zoning signifies the advocacy of a mixture of employment, residential, commercial, and/or civic uses for land that is within Community Growth Areas. The Project is within the Ballenger Creek Community Growth Area, and is part of the overall Westview South MXD, which includes a combination of commercial, employment, and residential uses.

The PUD and MXD zoning districts require development that results in an integrated mixture of commercial, employment, residential, recreational, civic and/or cultural land uses. Projects in this district should employ planning and design that is broad and integrative, and should result in efficient use of land, innovative design involving flexibility not permitted within the Euclidean zoning districts, and promote building and site design that reduces dependence on vehicular movement.



Within the portion of the MXD that is the subject of these Applications, the proposed uses are limited to Employment and Commercial activities. As such, this section of the overall project has been designed to enhance the practical needs of commercial and employment users. The pattern of development proposed for the four subject lots exists to serve the needs of a variety of business uses, including large structures on large lots organized around an internal circulation system that segregates small vehicle and truck movements on the Site.

While the mix of uses proposed for these four lots does not include a residential component, the variety of businesses supported through this subdivision (and associated site plans) does indeed enhance the land use mix in the neighborhood and provide for the opportunity for non-motorized commutes in Westview South.

*The subdivision design shall take advantage of the uniqueness of the site reflected by the topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.*

The overall Westview South Residential project integrates Ballenger Creek and an associated planned County trail network into the design. The Site is relatively flat and does not contain flooding or wet soils, wooded areas on Lots 201-203, or wetlands. The finished site will retain much of the existing topography, though the forested areas on Lot 204 would likely disappear with the development of that portion of this subdivision.

- **Block Shape §1-16-218**

*The maximum block dimension shall be 1,800 feet.*

No block dimension is greater than 700 feet. The main vehicular entrance at Executive Court South, and the two secondary truck access drives, provide for some block distinction in this proposed subdivision. Pedestrian circulation is supported by the placement of sidewalks along the frontage of Executive Way and within the Site itself.

- **Lot Size and Shape §1-16-219**

*The size, width, depth, shape, orientation and yards of lots shall not be less than specified in the zoning ordinance for the district within which the lots are located and shall be appropriate for the type of development, the use contemplated, and future utilities.*

*Setbacks and height within the Planned Development Districts (PUD & MXD) shall be established by the Planning Commission at Phase II as provided in §1-19-10.500.7(F)(2) of the Zoning Ordinance.*

The proposed setbacks and building heights for this site as shown below:

	Lot 201	Lot 202	Lot 203	Lot 204
Front Yard:	25'	25'	25'	25'
Rear Yard:	10'	10'	10'	10'
Side Yard (adjacent to panhandles)	10'	10'	10'	10'
Side Yard:	40'	40'	40'	40'
Max. Height:	40'	40'	40'	40'
Monument Sign Setback:	5'	5'	n/a	n/a

The proposed dimensional standards are generally in keeping with a pattern of development in an area of larger, non-residential structures. In assessing the appropriateness of building setbacks in this project, staff considered the setting along Executive Way - which functions as a de facto

collector road providing access to two arterial roadways (MD 85 to the east, and New Design Road to the west). Given the suburban character of the neighborhood, the dimensional standards proposed provide a balance between the office/warehouse uses on the south side of Executive Way, and the residential area to the north. Additionally, the setbacks work well with the proposed architectural treatment of the buildings by allowing some of the required parking demand to be met along the Executive Way frontage where direct access to individual business entrances is required.

The Zoning Ordinance sets a limit of no more than 2 monument signs per roadway entrance into the subdivision. Staff recommends the establishment of 5' setbacks for all permitted monument signs on this Site Plan with the condition that such signs be indicated on the Site Plan and that the Applicant coordinate with Staff regarding verification of adequate sight distance for vehicles and pedestrians leaving or entering the Site.

General signage regulations permit for the following allotment on these Site Plans:

Lot 201: 253 sf (for 640 ft. of frontage)  
Lot 202: 178 sf (for 318 ft. of frontage)  
Lot 203: 322 sf (for 1,040 ft. of frontage)

- **Site Development §1-19-3.300.4 (A)**

*Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

Being primarily surrounded on three sides by non-residential development, much of the proposed use and design response reflects an effort to minimize the contrast between the medium density residential uses to the north and the proposed employment and commercial uses on this Site. An adequate landscaped buffer – and a narrow but important double row of parking spaces along the Executive Way frontage – do much of the heavy lifting in addressing how the MXD components relate to each other. The architectural treatment of the proposed buildings is critical to presenting a less imposing building face to future residents in the MXD. The Applicant has accomplished this through three strategies:

- Maintaining an overall building height of 38 feet, approximating that of many townhouses and small garden apartments;
- Breaking up the horizontal massing of the buildings through the use of vertical elements which have the effect of keeping the eye from focusing on the significant length of the structures. Each building segment becomes something akin to an individual attached commercial building or row house;
- Maintaining human-scaled entrance portals and significant fenestration at the street (pedestrian) level.

Section 1-19-6.400 of the Zoning Ordinance requires landscaping, screening and buffering on a development site as part of the site plan review process.

Street Trees - Street trees, of an appropriate variety, are provided in excess of the required number. Several trees have already been planted and established along the Executive Way frontage. For the internal circulation roads within the development, the Applicant has provided a significant number of larger deciduous trees that will provide a continuation of the pattern established along the public roadway frontage.

Trees required: 26    Trees provided: 28+

Parking Lot Landscaping – Landscaping within and surrounding the parking areas on Lots 201-203 is proposed to exceed the minimum requirements of the Zoning Ordinance. Significant screening and buffering is provided throughout the Site, and tree canopy cover is provided in excess of the minimum 20% required by the County Code.

Lighting - A photometric plan has been provided that includes light fixtures that appear to exceed the maximum height requirement of 24-ft. for commercial-oriented lighting as measured from the ground surface to the midpoint of the source of illumination. Architecturally-mounted wall lights will be provided as well, however these fixtures appear to provide for required safety illumination. Per Section 1-19-6.500(B)(1) of the Zoning Ordinance, lighting fixtures in the MXD “...in pedestrian oriented developments including pedestrian components in...Mixed Use Development...” cannot exceed 14 feet in height. Given the mix of employment and commercial uses proposed for the Site, and the proximity of this development to the residential section located on the north side of Executive Way, staff recommends that the Planning Commission modify the light fixture heights to no more than 18 feet along the frontages of Lots 201 and 202 (per Section 1-19-6.500(G)), which acknowledges the commercial nature of this proposal while respecting residential uses located on the north side of Executive Way. Staff does however recommend approval of the lighting modification to allow some illumination in excess of 0.5 foot candles to cross property lines within the development for the purpose of providing additional lighting along drive aisles and internal circulation roads.

## **TRANSPORTATION AND PARKING**

- **Street, Common Driveway and Sidewalk Construction §1-16-109**

*The project shall provide for the complete construction of street improvements, including drainage facilities as provided in §1-16-234 through §1-16-241 of the Subdivision Regulations and in accordance with the Frederick County Design Manual.*

Sidewalks are provided along Executive Way and Executive Court. Additionally, sidewalks within the development are provided to connect pedestrians to parking areas and building entrances. It is unclear from the Site Plan drawings which sidewalk width is utilized along the public road frontage. The minimum required sidewalk width is 4 feet. The preferred width is 5 feet. Pedestrian sidewalks along Executive Court are specified as 5 feet in width while the Executive Way sidewalks are illustrated at 4 feet in width. The Applicant should clarify the specified width of both on these site plans.

- **Right of Way and Paved Surface Widths §1-16-235**

*Whenever a proposed subdivision includes or abuts streets designated on the Highway Plan section of the Comprehensive Plan, the Planning Commission shall require, by dedication to public use, adequate right-of-way for the coordination of roads within the subdivision with other existing, planned or platted roads.*

The County Comprehensive Plan classifies New Design Road and MD 85 as Major Arterials. Executive Way is identified as a local road. Right of way for these roads has been provided according to County standards and improvements to these roads have been or will be completed in the near future. A right-of-way for Executive Court (a private access street) has been established at 50 feet in width with internal setbacks proposed to respect this internal road. Drive aisles and other paved travel lanes within the development have been designed to provide adequate pavement width for the vehicles likely to utilize them.



- **Other Street Requirements §1-16-236K**

A 50 ft. wide access easement has been proposed along the western edge of the development site which will facilitate access to Lot 204. Other roads and drive aisles within the development will be shared by users where appropriate to facilitate truck movements within the site.

- **Transportation and Parking §1-19-3.300.4 (B)**

*The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities.*

The Westview South MXD – Lots 201-204 project includes multiple access points onto Executive Way. Truck circulation throughout the site is facilitated by segregated access drives on the eastern and western edges of the property. Executive Court South will serve as a primary access road into the development and will provide small vehicle access to each of the four proposed lots, though Lot 204 will rely on a separate access easement as mentioned previously. In practical terms, Executive Court South will be the primary access road for all four lots. This project's overall design of its proposed road network will link into the existing road network and will generally promote safe and efficient circulation.

Parking standards for the project are provided within Zoning Ordinance §1-19-6.220 and §1-19-3.300.4(B). The Applicant has provided a parking justification chart on Sheet SP-1 which compares the parking demand of similar developments against the required parking allocation of 1 space per 1,000 sf of employment space. Parking required for commercial uses varies by use and would not be covered by the 1 per 1,000 calculation. Given the flexible nature of the proposed structures on this site, staff recommends approval of the Parking Modification as requested by the Applicant as follows:

Parking Spaces Required: 457  
Parking Spaces Provided: 493

Loading Spaces (large) Required: 47  
Loading Spaces (large) Provided: 47

Bicycle Parking Spaces Required: 12  
Bicycle Parking Spaces Provided: 14

A shared parking agreement will provide for shared access for users of the three buildings proposed. As such, the cumulative totals are listed above for Lots 201-203. It should be noted that each lot provides sufficient parking, loading, and bicycle parking to meet code requirements individually as well.

All parking, bicycle parking, and loading spaces meet County requirements regarding dimensions, location, design, and distribution.

## **PUBLIC FACILITIES AND UTILITIES**

- **Public Facilities - Road Adequacy §1-16-12**

This subdivision is designed with three vehicular access points onto Executive Way, designated as a Local roadway in the Comprehensive Plan, but functioning as a Collector roadway in practice. Segregated driveways allow for a division between large trucks and smaller vehicles, easing the burden on the primary entrance at Executive Court and providing for improved internal circulation. Local roadways are adequate to serve the proposed development as evidenced by the approved APFO LOU revised on May 22, 2014. Lots 201-203 are expected to generate 78 AM and 87 PM peak hour trips during the peak hours of adjacent street traffic. This proposal has been determined to generate fewer trips than anticipated in the APFO approval is thus exempt.

The subdivision would be served by the Westview/United Fire Company Service Area. The fire company is located on and would utilize New Design Road to serve the project.

- **Parks §1-16-111**

At the time of Phase I rezoning for the Westview South MXD, open space/green area requirements were set at 63 acres. Condition 3 of the Phase I rezoning approval (Ord.# 13-10-638) requires dedication by the developer of a 22.49 +/- acre public use site for park purposes prior to recordation of the Project's first residential lot. This public use site is planned to provide a portion of the Ballenger Creek Trail. This site was conveyed to the County on February 17, 2015 per the deed recorded in the Frederick County land records in Book 10423 on page 0083.

- **Public Utilities §1-19-3.300.4 (C)**

*Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development.*

The Project is to be served by public water and sewer service and carries a current Water and Sewerage Plan classification of W-3, S-3. The Site will be served by the New Design Water System and the Ballenger-McKinney Wastewater Treatment Plant.

A second amended and restated Adequate Public Facilities Ordinance Letter of Understanding (LOU) was approved in May of 2014.

## **NATURAL FEATURES**

- **Land Requirements §1-16-217(B)**

*The subdivision design shall take advantage of the uniqueness of the site reflected by the topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.*

As prior developed agricultural land, the site retains few significant natural features.

- **Floodplain Developments §1-16-220**

There is no development proposed in the mapped FEMA 100-year floodplain on the Project Site.

- **Natural features §1-19-3.300.4 (D)**

*Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

The Project Site has low topographical gradients and has undergone some mass grading in preparation for development. The Site has little existing forest cover (other than Lot 204) and other existing natural resources within the larger MXD have been identified, preserved, or integrated into off-site recreational amenities in a fashion that maintains a natural state.

## COMMON AREAS

- **Common Areas §1-19-3.300.4 (E)**

*If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

No common areas are required by or provided in this Application.

## Other Applicable Regulations

- **Stormwater Management – Chapter 1-15.2**

Stormwater management for this development is provided via a regional facility. (Approved July 2012 a part of AP#12688). Some additional newly designed and constructed ESD's are proposed on this site to accommodate stormwater quality requirements.

- **APFO – Chapter 1-20**

This project is exempt from APFO consideration because it will produce a lower student yield and trip generation than was tested in the currently effective APFO approval as identified in the Second Amended and Restated APFO Letter of Understanding for Westview South MXD, which expires February 12, 2019. The plan is non-residential in use and will have a student yield of zero. Lots 201, 202, and 203 of this plan are expected to generate 78 AM and 87 PM trips during the peak hours of adjacent street traffic, based upon the trip generation formulas from the ITE Trip Generation Manual, Warehousing Use. Lot 204 may be subject to further APFO consideration when its development is proposed in the future.

- **Forest Resource – Chapter 1-21:**

The FRO plan for the overall Westview South MXD was approved in 2008 (AP7278) and the mitigation requirements were satisfied through a combination of recorded FRO easements and fee-in-lieu payments.

- **Historic Preservation – Chapter 1-23:**

No historically significant structures or other resources are present on this Site.

## Summary of Agency Approval Status

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE)	Approved
Development Review Planning	Conditionally Approved
Division of Utilities and Solid Waste Management (DUSWM)	Conditionally Approved
Health Department	Approved
Office of Life Safety	Approved
Development Review Traffic Engineering	Approved
Forest Resource (FRO)	Approved
Historic Preservation	Approved

## **RECOMMENDATION**

If the Planning Commission conditionally approves the Preliminary Subdivision Plan and the Site Development Plans, the Site Development Plan is valid for a period of three (3) years from the date of Planning Commission approval and the Preliminary Plan is valid for a period of five (5) years. However, both are limited by the term of the APFO approval. Therefore, both the Site Development Plan and the Preliminary Plan are valid until February 12, 2019.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable subdivision, zoning, APFO, and FRO requirements once the following conditions are met:

1. The Applicant shall address all agency comments as the plan proceeds through to completion.
2. The Applicant should clarify the specified width of all sidewalks on these site plans.
3. Planning Commission approval of the proposed lot sizes, setbacks, and height limitations as indicated in this Staff Report.
4. Planning Commission approval of the parking modification to allow the use of the calculated number of spaces based on similar constructed projects, as detailed on Sheet SP-1 of the Site Plan applications cover sheet.
5. Planning Commission approval of the lighting modification to allow some illumination in excess of 0.5 foot candles to cross property lines within the development for the purpose of providing additional lighting along drive aisles and internal circulation roads. Light fixture heights shall be modified to permit lighting fixture height of no more than 18 feet along the frontages of Lots 201 and 202, unless otherwise modified by the Planning Commission.
6. The Applicant shall identify monument signs on the Site Plan and coordinate with Staff regarding verification of adequate sight distance for vehicles and pedestrians.
7. Modify the 'Mezzanine space' note (part of Note #2 on Sheet SP-1) to read "*Up to 10% Mezzanine Space...*".
8. Site Development Plan approval, including APFO review, is required for any future development of Lot 204.

## **PLANNING COMMISSION ACTION**

### **MOTION TO APPROVE**

I move that the Planning Commission **APPROVE** the Westview South MXD-Lots 201-204 Preliminary Subdivision Plan (AP#18266, SP-98-36) and the Westview South MXD-Lots 201-203 Site Development Plans (AP#18144, AP#18269, & AP#18272 to develop 456,900 sq. ft. of gross floor area in three structures for office and warehouse uses. The approval is made **with conditions and modifications** as listed and is based on the findings and conclusions of the staff report, the testimony, exhibits, and documentary evidence produced at the public meeting.

**Exhibit No. 1: Plan rendering—Proposed Westview South MXD – Lots 201-204**





## Exhibit No. 2: Modification for Lighting at Property Boundaries



March 8, 2018

Denis Superczynski  
Frederick County Development Review  
30 N. Market Street  
Frederick, MD 21701

Re: Lighting at Property Line Modification – Westview South 200 Series Lots  
Project Number AP#18144  
HSA Job No. 7281-200SR

Dear Denis:

We are requesting a modification for lighting at Property Lines. The modification is as follows:

1. Lighting shall not exceed .50 foot-candles as measured from the property line – Section 1-19-6.500(D)  
The ordinance states that lighting shall not exceed .50 foot-candles as measured from the property line.

In the case of this project, we are proposing that light spillage along the property lines, particularly with respect between adjacent lots 201, 202, 203, and 204, be permitted. It is a necessary function of the overall design intent to create a cohesive pedestrian friendly environment between these uses. All four lots share vehicular drives, and pedestrian connections, therefore making light spillage a necessary factor in the safe design of these parcels.

We look forward to discussing this with the Planning Commission at the hearing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jody Walker', is written over a horizontal line.

Jody Walker

Designer

CC: Craig Rudy, Brian Morris, Karl Morris

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